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Attorney for Defendants  
TAN TSENG, TERRENZ  
KUKANT CAM, BOI ANH  
HONG; & KEVIN TU CAM

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

ALI R. POORSINA

Plaintiff,

v.

TAN TSENG, TERRENZ KUKANT  
CAM, BOI ANH HONG; & KEVIN TU  
CAM,

Defendants.

Case No.: **4:20-cv-09122-VC**

**DECLARATION OF ANDREW D.  
WINGHART IN RESPONSE TO  
COURT'S ORDER TO SHOW CAUSE  
(DKT. 103)**

Courtroom: 4  
San Francisco Courthouse  
450 Golden Gate Ave.  
San Francisco, CA 94102

Honorable Vince Chhabria

**DECLARATION OF ANDREW D. WINGHART**

1  
2 1. I am an attorney admitted to the State Bar of California and licensed to practice  
3 before the State Courts and the Federal District Courts in California. I am personally familiar  
4 with each of the facts set forth herein and if called as a witness to testify, I could competently do  
5 so. I am over the age of 18, a resident of the State of California and able to make this declaration.  
6

7 2. When my office originally filed Defendants' Motion to Dismiss, I correctly  
8 calendared the hearing on the docketing software for the correct hearing time as set forth under  
9 the schedule maintained by Judge Armstrong on August 9, 2022. Thereafter, upon reassignment,  
10 the Motion by the Defendants was re-notice by Defendants before the Court.  
11

12 3. I, on behalf of the Defendants, appeared at the Court's Initial Case Management  
13 Conference on November 9, 2022, wherein the Court Clerk corrected the hearing date, being  
14 December 1 versus December 8, as originally stated at the hearing.  
15

16 4. As a result of the comments from the Court and its staff, during the hearing, I re-  
17 entered and calendared the motion hearing for December 1, 2022, but failed to correctly identify  
18 the time. When calendaring the pending hearing, I personally either failed to (a) update the  
19 hearing time to comply with this Court's schedule; or (b) mistyped the hearing time while  
20 confirming the hearing date.  
21

22 5. In preparing for the hearing on this matter, I had reviewed and prepared for a  
23 hearing on this matter at 2:00 p.m. on December 1, 2022. Based on other schedule matters, and a  
24 calendar showing no hearings in the morning on December 1<sup>st</sup>, I took a half-day off and did not  
25 monitor my emails. Currently, I have no other staff to review messages or calendaring.  
26

27 6. My failure to appear was based on my own lack of calendar management. The  
28 failure to appear was not intended to disrespect Plaintiff, the Court, or the Court's staff.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. This Declaration was executed in Redwood City, California on December 1, 2022.

Andrew D. Winghart

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I hereby certify that on December 1, 2022, I electronically filed the following document(s) with the Clerk of the Court for the United States District Court for the Northern District of California, by using the District Court's CM/ECF system:

I further certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the District Court's CM/ECF system.

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/s/  
Andrew D. Winghart